REMARKS

Claims 12-22 are pending in the application. Applicants thank the Examiner for withdrawing the rejection of claim 14 under 35 U.S.C. § 112, second paragraph. Applicants also thank the Examiner for withdrawing the objection to the specification.

The Claimed Invention

The present invention relates to a drying apparatus, such as a part of a dishwasher, that allows wet washed dishes located in the washing container of the dishwasher to be dried quickly from an economic and hygienic point of view. In an exemplary embodiment, the drying apparatus for drying washed dishes is disposed inside the dishwasher and circulates exclusively the air located in a washing container of the dishwasher.

The drying apparatus may be provided with a suction port for introducing the air from the washing container into the drying apparatus, a blow-out port for discharging the air from the drying apparatus into the washing container, a conveying section between the suction port and the blow-out port, and a fan for conveying the air from the suction port to the blow-out port via the conveying section. The conveying section may include a condensing section with at least one wall operable as a condensing surface upon which the humidity contained in the air condenses.

The present invention reduces the air moisture present in the washing container during the drying process by removing the moisture from the air located in the washing container during its passage through the drying device. A dishwasher with a system for drying washed items according to the invention thus has the advantage that both the

drying time and also the energy expenditure required for drying the washed items is reduced.

.**The Rejections under 35 U.S.C. § 102(b)**

Claims 12-15 and 17-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by Deiss et al. (French Patent Publication No. FR2491322). Applicants respectfully traverse this rejection.

The present invention claims a dishwasher including a drying device with features that reduce the air moisture present in the washing container during the drying process by removing the moisture from the air located in the washing container during its passage through the drying device As part of this, the present invention includes a feature, for example, as recited in claim 13 where "the condensing surface is in heat-conducting contact with an outer wall of the dishwasher."

In this manner, as soon as the air from the washing container is conveyed by the fan through the conveying section of the drying device, the flexible wall of the conveying section constructed as a condensing surface is in contact with the outer wall of the dishwasher. Applicants respectfully refer the Examiner to the description of the condensing surface in the present specification from page 3, line 25 to page 4, line 5. In the present invention, in order to ensure a direct connection between the condensing surface and the outer wall of the dishwasher without an interposed air gap and therefore good heat conduction to the housing of the dishwasher, the condensing surface is preferably made of a flexible material.

The grounds of rejection state that Deiss et al. teach a dishwashing machine 10 having a washing container 11 and a drying device (citing Figure 2). The grounds of rejection state that the Deiss et al. conveying section "is in a sidewall" of the dishwasher (between the outer cabinet and washing tank) (citing the English machine translation). As such, the grounds of rejection conclude that since the condensing surface is not thermally insulated from the outer wall of the dishwasher -- it is in "heat-conducting contact".

Applicants respectfully submit that MPEP § 2131 provides that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Moreover, "[e]very element of the claimed invention must be literally present, arranged as in the claim." Id. In the present case, the grounds of rejection have not established that each element of the claims is disclosed in the cited references. In particular, the term "heat-conducting *contact*" with an outer wall of the dishwasher is not disclosed or suggested by Deiss et al. The interpretation of "heat-conducting contact" as provided in the Office Action is not what one of ordinary skill in the art would have understood at the time of invention as described in the present specification and as shown in the drawings. In the Deiss et al. device, as shown particularly in Figure 2, the

"condensing section" does not contact an outer wall of the dishwasher nor is there disclosure that it does.

Further, in the Response to Arguments, the grounds of rejection state that the term heat-conducting contact is broad and vague and does not necessitate a direct physical contact, only that heat is conducted from one element to the other in some way. Even an air gap would conduct heat (absent any thermal insulator); therefore, the rejection is maintained. Applicants respectfully submit that the claim recites that the condensing surface is in heat-conducting contact with an outer wall of the dishwasher, and therefore maintains the prior argument.

Accordingly, Applicants respectfully submit that the present invention distinguishes from Deiss et al.

The Rejections under 35 U.S.C. § 103(a)

Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Deiss et al. '322 in view of Deiss et al. (French Patent Publication No. FR2491319). The grounds of rejection acknowledge that Deiss et al. '322 does not teach a "mixing vane" in the interior of the conveying section as recited in claim 16. However, the grounds of rejection state that Deiss et al. '319 teach the use of vanes 28 to provide a tortuous path for the air to increase the contact time in the condensing section to increase the precipitation of the water in the humid air, and that it would have been obvious at the time of the invention to modify Deiss et al. '322 with Deiss et al. '319 to create a means to increase the efficiency of the condenser to achieve the expected result. Applicants

respectfully submit that claim 16 is at least allowable based on its dependency on claim 12, the deficiencies thereof not made up for by Deiss et al. '319.

CONCLUSION

In view of the above, allowance of claims 12-22 is respectfully requested. If the Examiner has any questions regarding the remarks herein, the Examiner is kindly requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

/Andre Pallapies/

Andre Pallapies
Registration No. 62,246
November 30, 2010

BSH Home Appliances Corporation
100 Bosch Blvd.
New Bern, NC 28562
Phone: 252-672-7927
Fax: 714-845-2807
andre.pallapies@bshg.com